

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LONTEX CORPORATION

Plaintiff,

v.

NIKE, INC.,

Defendant.

Civil Action No. 2:18-cv-05623-MMB

**PLAINTIFF LONTEX CORPORATION'S PARTIAL MOTION TO DISMISS
DEFENDANT NIKE, INC.'S COUNTERCLAIM**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff Lontex Corporation ("Lontex") respectfully moves this Court for an order of partial dismissal, dismissing Nike's Third Counterclaim because the only "damages" it alleges to have suffered are attorneys' fees, which are not cognizable damages under 15 U.S.C. § 1120. The dismissal should be with prejudice. In support of the Motion, Lontex submits the attached Memorandum of Law.

Dated: July 16, 2019

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By: /s/ Ben L. Wagner

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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2019, a true and correct copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent via e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Ben L. Wagner

Ben L. Wagner